IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

CIVIL SECOND APPEAL No. 432 of 2005

RAMJAN MOHAMMED
V/S
NIYAJ MOHAMMED & ORS

Mr. DURGA RAM for Mr. SAJJAN SINGH, for the appellant / petitioner

Date of Order : 4.12.2006

HON'BLE SHRI N P GUPTA,J.

ORDER

Heard learned counsel for the appellant and perused the impugned judgment.

In my view the learned courts below have rightly found that the plaintiff has failed to establish that there was any public lane in question towards West of the plaintiff's house. From reading of the plaint as was read to me, it is clear that the plaintiff has main opening in South. Admittedly, the plaintiff has only purchased the land after agriculture land was converted into abadi land and various plots had been earmarked. Admittedly, the plaintiff has not produced even his sale deed or any of the title deed which might have described the existence of any lane in the West, as claimed by the plaintiff.

In that view of the matter simply because at the time of filing of the suit the plaintiff might be using the

land as a lane it cannot be said that the plaintiff has acquired the right for restraining the defendant from raising construction on that land.

Thus, I do not find the present appeal to be involving any substantial question of law and the same is therefore dismissed summarily.

(N P GUPTA),J.

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